

Samuel A. Schwartz, Esq.
Nevada Bar No. 10985
Bryan A. Lindsey, Esq.
Nevada Bar No. 10662
Schwartz Flansburg PLLC.
6623 Las Vegas Boulevard South, Suite 300
Las Vegas, Nevada 89119
Telephone: (702) 385-5544
Facsimile: (702) 385-2741
Attorneys for the Debtor

E-Filed: October 21, 2015

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:)	Case No. 15-15954-ABL
)	
Pierce Development Inc.,)	Chapter 11
)	
Debtor.)	Hearing Date: November 25, 2015
)	Hearing Time: 1:30 p.m.
)	

**APPLICATION FOR THE ENTRY OF AN ORDER UNDER
11 U.S.C. §§ 327(a), 328, 329 AND 331 AND FED R. BANKR. P. 2014
AND 2016 AUTHORIZING THE EMPLOYMENT AND RETENTION
OF CHRISTINA THOMAS AS REAL ESTATE AGENT FOR THE DEBTOR**

Pierce Development Inc., the debtor and debtor-in-possession in the above-referenced case (the “**Debtor**”), hereby applies to this Court (the “**Application**”) for the entry of an order pursuant to 11 U.S.C. §§ 327(a), 328, 329 and 331, and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) authorizing the employment and retention of Christina Thomas (“**Ms. Thomas**”) real estate agent for the Debtor. In support of this Application, the Debtor relies on the Declaration and Statement of Ms. Thomas, which is attached hereto as **Exhibit A** (the “**Thomas Declaration**”). In further support of this Application, the Debtor respectfully represent as follows:

///

///

BACKGROUND

1
2 1. On October 20, 2015 (the “**Petition Date**”), the Debtor filed a voluntary petition
3 in this Court for reorganization relief under chapter 11 of title 11 of the United States Code, 11
4 U.S.C. §§ 101, *et seq.* (as amended, the “**Bankruptcy Code**”). The Debtor continues to operate
5 its business and manage its properties as a debtor-in-possession pursuant to sections 1107(a)
6 and 1108 of the Bankruptcy Code.
7
8

9 2. The Debtor owns a real property located at 7080 Rancho La Cima Dr., Rancho
10 Santa Fe, CA 92067 (the “**Property**”).
11

12 3. No creditors’ committee has been appointed in this case by the United States
13 Trustee.
14

15 4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and
16 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding
17 pursuant to 28 U.S.C. § 157(b)(2).
18

19 5. The statutory predicates for the relief requested herein are sections 327(a), 328
20 and 329 of the Bankruptcy Code and Bankruptcy Rules 2014 and 2016.
21

RELIEF REQUESTED

22
23 6. By this Application, the Debtor seeks the entry of an order, pursuant to sections
24 327(a), 328, 329 and 331 of the Bankruptcy Code, and Bankruptcy Rules 2014 and 2016,
25 authorizing the employment and retention of Ms. Thomas , as of October 20, 2015, to represent
26 the Debtor as its real estate agent. Specifically, the Debtor seeks to employ Ms. Thomas to sell
27 the Property.
28
29

30 ///

31 ///

QUALIFICATIONS AND SERVICES TO BE PROVIDED

7. Ms. Thomas is a licensed real estate broker in the state of California and has over seven years of experience selling residential real estate.

8. Ms. Thomas has been an Associate Broker with Berkshire Hathaway Home Services since July 25, 2015. Ms. Thomas also maintains the following professional designations within her field:

- a. Bachelors degree in Business Management with focus on Real Estate;
- b. Won several awards such as Top 40 under 40 entrepreneurs from Modern Luxury, Coolest downtown broker award in 2009

9. In this case, the Debtor seeks to employ Ms. Thomas to represent the Debtor in the sale of the Property.

PROFESSIONAL COMPENSATION

10. In accordance with section 330(a) of the Bankruptcy Code, the Debtor proposes to compensate Ms. Thomas at her customary rate, which is six percent (6%) of the gross sale price from the sale of the Debtor's Property, which is to be paid at closing. Or, in the event a buyer's agent brings forth a ready and able buyer, Ms. Thomas will offer 3% of the gross sale price to the buyer's agent from her 6% compensation, which will also be paid at closing.

MS. THOMAS' DISINTERESTEDNESS

11. To the best of the Debtor's knowledge and except as disclosed in the Thomas Declaration, neither Ms. Thomas nor any member of Berkshire Hathaway Home Services holds or represents any interest materially adverse to the Debtor's estate in connection with any matter in which he would be employed, and that she is a "disinterested person" within the

1 meaning of section 101(14) of the Bankruptcy Code, 11 U.S.C. §§ 101–1532 as referred to in
2 section 327(a) of the Bankruptcy Code.

3
4 12. Further, to the best of the Debtor’s knowledge, Ms. Thomas does not have any
5 connection with any creditors or other parties in interest, or their respective attorneys or
6 accountants, or the United States Trustee or any of its employees, except as set forth in the
7 Thomas Declaration.
8

9 13. Should Ms. Thomas discover any new relevant facts or relationships bearing on
10 the matters described herein during the period of her retention, Ms. Thomas will use reasonable
11 efforts to promptly file a supplemental declaration.
12

13 NOTICE

14
15 12. The Debtor has provided notice of this Application by United States mail and,
16 when possible, electronic mail or facsimile to: (a) the U.S. Trustee; (b) the entities listed on the
17 List of Creditors Holding the 20 Largest Unsecured Claims; (c) all parties requesting notice
18 pursuant to Bankruptcy Rule 2002, and (d) certain governmental agencies including the
19 Internal Revenue Service, the United States Attorney’s Office, the Clark County Assessor, the
20 Clark County Treasurer and the Nevada Department of Taxation. In light of the nature of the
21 relief requested, the Debtor submits that no further notice is required.
22
23

24 CONCLUSION

25
26 WHEREFORE, the Debtor prays that this Court, enter an order as set forth in the order
27 attached hereto as **Exhibit B**: (i) authorizing the Debtor to employ and retain Christina Thomas
28 as its real estate agent according to the terms and conditions set forth in this Application; and
29 (iii) granting such other and further relief as is just and proper.
30
31
32

1 Dated this 21st day of October, 2015.

2 /s/Samuel A. Schwartz

3 Samuel A. Schwartz, Esq.

4 Nevada Bar No. 10985

5 Bryan Lindsey , Esq.

6 Nevada Bar No. 10662

7 Schwartz Flansburg PLLC

8 6623 Las Vegas Boulevard South, Suite 300

9 Las Vegas, Nevada 89119

10 Telephone: (702) 385-5544

11 Facsimile: (702) 385-2741

12 Attorneys for the Debtor